

AMENDED IN ASSEMBLY SEPTEMBER 2, 2005

AMENDED IN ASSEMBLY AUGUST 23, 2005

AMENDED IN ASSEMBLY JULY 1, 2005

AMENDED IN SENATE APRIL 26, 2005

AMENDED IN SENATE APRIL 13, 2005

**SENATE BILL**

**No. 1102**

**Introduced by Senator Hollingsworth**  
*(Principal coauthor: Assembly Member La Suer)*

February 22, 2005

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~~An act to add Sections 473, 21720, and 21721 to the Vehicle Code, relating to vehicles. An act to amend Section 8690.6 of the Government Code, relating to emergencies, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1102, as amended, Hollingsworth. ~~Pocket bikes; restrictions.~~  
*Disaster response.*

*Existing law establishes the Disaster Response-Emergency Operations Account in the Special Fund for Economic Uncertainties. Moneys in the account are continuously appropriated subject to specified limitations for allocation by the Director of Finance to state agencies for disaster response operation costs incurred by state agencies as a result of a proclamation by the Governor of a state of emergency. Existing law repeals these provisions on January 1, 2006.*

*This bill would extend the repeal of these provisions to July 1, 2007. By extending the term of the continuously appropriated account, the bill would make an appropriation.*

~~(1) Existing law regulates the operation of vehicles and combinations of vehicles upon the highways, imposes certain disclosure requirements on the sale of motor vehicles and vehicles by licensed dealers, and imposes sanctions for violating these regulations and requirements.~~

~~This bill would prohibit the operation of a pocket bike, as defined, on a sidewalk, roadway, or any other part of a highway, or on a bikeway, bicycle path or trail, equestrian trail, hiking or recreational trail, or on public lands open to off-highway motor vehicle use. The bill would authorize a peace officer, as defined, to cause the removal and seizure, for a specified minimum period, of a pocket bike that is found to be operating on a highway in violation of the prohibition. The bill would authorize a city, county, or city and county to adopt a regulation, ordinance, or resolution imposing charges equal to its administrative costs relating to the removal, seizure, and storage costs of a pocket bike, as provided.~~

~~Because under existing law a violation of the Vehicle Code is a crime, the bill would impose a state-mandated local program by creating new crimes.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~(3) This bill would only become operative if AB 1051 of the 2005-06 Regular Session is enacted and becomes operative.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~<sup>yes</sup>. Fiscal committee: ~~yes~~. State-mandated local program: ~~yes~~<sup>no</sup>.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 8690.6 of the Government Code is
- 2     amended to read:
- 3     8690.6. (a) The Disaster Response-Emergency Operations
- 4     Account is hereby established in the Special Fund for Economic
- 5     Uncertainties. Notwithstanding Section 13340, moneys in the
- 6     account are continuously appropriated, subject to the limitations
- 7     specified in subdivisions (c) and (d), without regard to fiscal
- 8     years, for allocation by the Director of Finance to state agencies

1 for disaster response operation costs incurred by state agencies as  
2 a result of a proclamation by the Governor of a state of  
3 emergency, as defined in subdivision (b) of Section 8558. These  
4 allocations may be for activities that occur within 120 days after  
5 a proclamation of emergency by the Governor.

6 (b) It is the intent of the Legislature that the Disaster  
7 Response-Emergency Operations Account have an  
8 unencumbered balance of one million dollars (\$1,000,000) at the  
9 beginning of each fiscal year. ~~In the event that~~ If this account  
10 requires additional moneys to meet claims against the account,  
11 the Director of Finance may transfer moneys from the Special  
12 Fund for Economic Uncertainties to the account in an amount  
13 sufficient to pay the amount of the claims that exceed the  
14 unencumbered balance in the account.

15 (c) Funds shall be allocated from the account subject to the  
16 conditions of this section and upon notification by the Director of  
17 Finance to the chairperson of the Joint Legislative Budget  
18 Committee and the chairpersons of the fiscal committees in each  
19 house.

20 (d) Notwithstanding any other provision of law, authorizations  
21 for acquisitions, relocations, and environmental mitigations  
22 related to activities, as described in subdivision (a), shall be  
23 authorized pursuant to this section. However, these funds may  
24 only be authorized for needs that are a direct consequence of the  
25 proclaimed emergency where failure to undertake the project  
26 may interrupt essential state services or jeopardize public health  
27 or safety. In addition, any acquisition accomplished under this  
28 subdivision shall comply with any otherwise applicable law,  
29 except as provided in the first sentence of this subdivision.

30 (e) No funds allocated under this section shall be used to  
31 supplant federal funds otherwise available in the absence of state  
32 financial relief.

33 (f) The amount of financial assistance provided to an  
34 individual, business, or governmental entity under this section, or  
35 pursuant to any other program of state-funded disaster assistance,  
36 shall be deducted from sums received in payment of damage  
37 claims asserted against the state, its agents, or employees, for  
38 causing or contributing to the effects of the proclaimed disaster.

(g) No public entity administering disaster assistance to individuals shall receive funds under this section unless it administers that assistance pursuant to the following criteria:

(1) All applications, forms, and other written materials presented to persons seeking assistance shall be available in English and in the same language as that used by the major non-English-speaking group within the disaster area.

(2) Bilingual staff who reflect the demographics of the disaster area shall be available to applicants.

(h) This section shall remain in effect only until ~~January 1, 2006 July 1, 2007~~, and as of that date is repealed, unless a later enacted statute, that is enacted before ~~January 1, 2006 July 1, 2007~~, deletes or extends that date.

~~SECTION 1. Section 473 is added to the Vehicle Code, to read:~~

~~473. (a) A “pocket bike” is a two-wheeled motorized device that has a seat or saddle for the use of the rider, and that is not designed or manufactured for highway use. “Pocket bike” does not include an off-highway motorcycle, as defined in Section 436.~~

~~(b) For purposes of this section, a vehicle is designed for highway use if it meets the applicable Federal Motor Vehicle Safety Standards, as contained in Title 49 of the Code of Federal Regulations, and is equipped in accordance with the requirements of this code.~~

~~SEC. 2. Section 21720 is added to the Vehicle Code, to read:~~

~~21720. A pocket bike shall not be operated on a sidewalk, roadway, or any other part of a highway, or on a bikeway, bicycle path or trail, equestrian trail, hiking or recreational trail, or on public lands open to off-highway motor vehicle use.~~

~~SEC. 3. Section 21721 is added to the Vehicle Code, to read:~~

~~21721. (a) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may cause the removal and seizure of a pocket bike, upon the notice to appear for a violation of Section 21720. A pocket bike so seized shall be held for a minimum of 48 hours.~~

~~(b) A violator of this section shall be responsible for all costs associated with the removal, seizure, and storage of the pocket bike.~~

1     ~~(e) A city, county, or city and county may adopt a regulation,~~  
2     ~~ordinance, or resolution imposing charges equal to its~~  
3     ~~administrative costs relating to the removal, seizure, and storage~~  
4     ~~costs of a pocket bike. The charges shall not exceed the actual~~  
5     ~~costs incurred for the expenses directly related to removing,~~  
6     ~~seizing, and storing a pocket bike.~~

7     ~~(d) An agency shall release a seized pocket bike to the owner,~~  
8     ~~violation, or the violator's agent after 48 hours, if all of the~~  
9     ~~following conditions are met:~~

10    ~~(1) The violator or authorized agent's request is made during~~  
11    ~~normal business hours.~~

12    ~~(2) The applicable removal, seizure, and storage costs have~~  
13    ~~been paid by the owner, or any other responsible party.~~

14    ~~SEC. 4. No reimbursement is required by this act pursuant to~~  
15    ~~Section 6 of Article XIII B of the California Constitution because~~  
16    ~~the only costs that may be incurred by a local agency or school~~  
17    ~~district will be incurred because this act creates a new crime or~~  
18    ~~infraction, eliminates a crime or infraction, or changes the~~  
19    ~~penalty for a crime or infraction, within the meaning of Section~~  
20    ~~17556 of the Government Code, or changes the definition of a~~  
21    ~~crime within the meaning of Section 6 of Article XIII B of the~~  
22    ~~California Constitution.~~

23    ~~SEC. 5. This act shall only become operative if Assembly~~  
24    ~~Bill 1051 of the 2005-06 Regular Session is enacted and becomes~~  
25    ~~operative.~~